

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

PHILADELPHIA INDEMNITY INSURANCE
COMPANY,

Plaintiff

v.

CV15-00388-S

PROVIDENCE COMMUNITY ACTION
PROGRAM, INC., THOMAS S.
HEMMENDINGER, FRANK CORBISHLEY,
and WILLIAM BENTLY,
Defendants

**DEFENDANT FRANK CORBISHLEY'S ANSWER TO
PLAINTIFF'S COMPLAINT FOR DECLARATORY JUDGMENT**

Now comes Defendant, Frank Corbishley, (“Corbishley” or “Defendant”) by and through his attorneys, Dana & Dana, LLC and answers Plaintiffs complaint as follows:

1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of Plaintiffs complaint for Declaratory Judgment and therefore denies same.
2. Defendant admits the allegations contained in paragraph 2 of Plaintiffs complaint.
3. Defendant admits the allegations contained in paragraph 3 of Plaintiffs complaint.
4. Defendant admits the allegations contained in paragraph 4 of Plaintiffs complaint.
5. Defendant admits the allegations contained in paragraph 5 of Plaintiffs complaint.
6. Defendant admits the allegations contained in paragraph 6 of Plaintiffs complaint.
7. Defendant admits the allegations contained in paragraph 7 of Plaintiffs complaint.

8. Defendant admits the allegations contained in paragraph 8 of Plaintiffs complaint.

9. Defendant admits the allegations contained in paragraph 9 of Plaintiffs complaint.

10. Defendant admits the allegations contained in paragraph 10 of Plaintiffs complaint.

11. Defendant admits paragraph 11 of Plaintiffs complaint accurately reflects portions of the policy.

12. Defendant admits paragraph 12 of Plaintiffs complaint accurately reflects portions of the policy.

13. Defendant admits paragraph 13 of Plaintiffs complaint accurately reflects portions of the policy.

14. Defendant admits paragraph 14 of Plaintiffs complaint accurately reflects portions of the policy.

15. Defendant admits the allegations contained in paragraph 15 of Plaintiffs complaint.

16. Defendant neither admits or denies the allegations in paragraph 16.

17. Defendant admits the allegations contained in paragraph 17 of Plaintiffs complaint.

18. Defendant neither admits or denies the allegations in paragraph 18.

19. Defendant admits the allegations contained in paragraph 19 of Plaintiffs complaint.

20. Defendant admits the allegations contained in paragraph 20 of Plaintiffs complaint.

21. In response to paragraph 21 of Plaintiffs Complaint Defendant admits that these allegations were asserted by the receiver. Defendant denies that Defendant violated a fiduciary duty to ProCAP and a duty to exercise due care in the performance of his duties and obligations to manage, direct, and supervise the operations and finances of PROCAP.

22. Defendant admits the allegations contained in paragraph 22 of Plaintiffs complaint.

23. Defendant admits the allegations contained in paragraph 23 of Plaintiffs complaint.

24. Defendant admits the allegations contained in paragraph 24 of Plaintiffs complaint.

25. Defendant, repeats, restates and incorporates herein by reference its answers to paragraphs 1 through 24 of Plaintiffs complaint as though fully set forth herein.

26. Defendant admits the allegations contained in paragraph 26 of Plaintiffs complaint.

27. Defendant admits the allegations contained in paragraph 27 of Plaintiffs complaint.

28. Defendant denies each and every allegation contained in paragraph 28 of Plaintiff's complaint.

29. Defendant denies each and every allegation contained in paragraph 29 of Plaintiff's complaint.

30. Defendant denies each and every allegation contained in paragraph 30 of Plaintiff's complaint.

31. Defendant denies each and every allegation contained in paragraph 31 of Plaintiff's complaint.

AFFIRMATIVE DEFENSES

A. In further answers to Plaintiffs' complaint and for its defenses and affirmative defenses thereto, Defendant states that Plaintiffs' complaint fails to state a claim against Defendant upon which relief can be granted.

Wherefore, Defendant, Corbishley respectfully requests that the Court enter judgement:

A. Denying Plaintiffs request for a declaratory judgment,

B. Award Defendant, Corbishley reasonable attorney fees, litigation expenses and costs; and

C. Grant Defendant, Corbishley such other relief as the Court deems appropriate.

Defendant Corbishley demands a trial by jury on all issues so triable.

Defendant
FRANK CORBISHLEY,
By his Attorneys:
DANA & DANA, LLC

/s/ Mark W. Dana
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CERTIFICATION

I certify that I have filed the within with the United States District Court on this 23rd day of October, 2015, that a copy is available for viewing and downloading via the ECF system, and that I have sent a true copy of the within on October 23, 2015 to:

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